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19 **ATTORNEYS FOR PLAINTIFF AND THE PUTATIVE**
20 **CLASS (* denotes *pro hac vice* forthcoming)**

21 **THE UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

23 TRENTON SMITH, individually and) Case No.: 8:25-cv-161-FWS-DFM
24 on behalf of all others similarly)
25 situated,) **CLASS ACTION**

26 Plaintiffs,)

27 vs.)

28 JOHN SHAHIDI, an individual;) **DECLARATION OF JOHN P.**
NELK, INC. dba NELK, FULL) **KRISTENSEN IN SUPPORT OF**
SEND, a Canadian Company,) **REQUEST BY JOHN P.**
METACARD, LLC, a Delaware) **KRISTENSEN TO ATTEND**
Limited Liability Company; NELK) **HEARING ON PLAINTIFF'S**
USA, INC., a Delaware Corporation;) **MOTION TO COMPEL FURTHER**
KYLE FORGEARD, an individual.) **RESPONSES TO DISCOVERY AND**
) **FOR A PROTECTIVE ORDER**
) **REMOTELY**

Defendants.)



) [Discovery Document: Referred to
) Magistrate Judge Douglas F.
) McCormick]
)
)

DECLARATION OF JOHN P. KRISTENSEN

I, John P. Kristensen, declare as follows:

1. I am an attorney licensed to practice before all Courts in the State of California. I am the Managing Partner at Kristensen Law Group, and counsel of record for Plaintiff. I have personal knowledge of all facts stated in this declaration and, if called to testify as a witness, I could and would competently testify thereto.

2. The hearing on Motion to Compel Further Responses to Discovery and for a Protective Order is scheduled for Tuesday October 14, 2025, at 10:00 a.m. I am lead counsel.

3. On June 11, 2024, I was diagnosed with kidney cancer that had caused blood clots to flood my lungs. I then underwent a full left nephrectomy to remove the 19-centimeter, 2.2-pound tumor. A couple months later I started immunotherapy which turned me into a type 1 diabetic and failed to fight the cancer. My newborn son was seven weeks old at the time.

4. In early February 2025, the cancer came back, and I was diagnosed with metastatic kidney cancer in the spine, lungs, abdomen, and kidney cavities. The tumor in my L3 vertebrae was shattering my spine. My health deteriorated substantially due to the cancer and the treatment, consisting of an aggressive 10 radiation sessions targeting the tumor in my spine.

5. To treat these conditions, I was undergoing a therapy of two drugs that began in late March/early April 2025. At the same time, I underwent two courses of intensive radiation therapy, each consisting of fifteen sessions directed at the spine and lungs in March and then August 2025. In my most recent radiation treatment, I underwent 15 sessions of radiation over three weeks that completed on

1 Friday, August 15, 2025.

2 6. The treatment of the two drugs showed promise and initially shrunk
3 the tumors per my May 2025 PT Scan. Anthem originally listened to the requests
4 of my oncologist and permitted a July 2025 PT scan approximately two months
5 later. The scan showed the tumors were stable with some growth in one, but no new
6 growths.

7 7. My oncologist requested another PT Scan, again two months later at
8 the beginning of September 2025. I have the platinum plan with Anthem, so I was
9 hopeful they would listen. Instead, they denied the PT Scan until October 2, 2025.
10 The results last week set me back, as it demonstrated the two-drug combination was
11 no longer suppressing the kidney cancer, and it has spread into multiple areas of
12 new growth. Having lost a month due to Anthem's cost cutting, I am seeking a new
13 trial, and a third round of radiation in my spine. My family and I are seeking new
14 treatment at this time.

15 8. I am also seeking to wind down parts of my practice, and I am looking
16 to avoid losing a day of travelling for a hearing that will likely last an hour.

17 I declare under penalty of perjury under the laws of the State of California
18 and the United States that the foregoing is true and correct and that this declaration
19 was executed on October 8, 2025, at Santa Barbara, California.

20 /s/John P. Kristensen

21 John P. Kristensen



CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2025, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ John P. Kristensen

John P. Kristensen

